

# EXHIBIT M

Robert A. Mittelstaedt (SBN 060359)  
 JONES DAY  
 San Francisco Office  
 555 California Street, 26<sup>th</sup> Floor  
 San Francisco, CA 94104  
 Telephone: (415) 626-3939  
 Facsimile: (415) 875-5700  
 ramittelstaedt@jonesday.com

Tharan Gregory Lanier (SBN 138784)  
 Jane L. Froyd (SBN 220776)  
 JONES DAY  
 Silicon Valley Office  
 1755 Embarcadero Road  
 Palo Alto, CA 94303  
 Telephone: (650) 739-3939  
 Facsimile: (650) 739-3900  
 tglanier@jonesday.com  
 jfroyd@jonesday.com

Scott W. Cowan (Admitted *Pro Hac Vice*)  
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)  
 JONES DAY  
 717 Texas, Suite 3300  
 Houston, TX 77002  
 Telephone: (832) 239-3939  
 Facsimile: (832) 239-3600  
 swcowan@jonesday.com  
 jlfuchs@jonesday.com

Attorneys for Defendants  
 SAP AG, SAP AMERICA, INC., and  
 TOMORROWNOW, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ORACLE CORPORATION, a Delaware  
 corporation, ORACLE USA, INC., a Colorado  
 corporation, and ORACLE INTERNATIONAL  
 CORPORATION, a California corporation,

Plaintiffs,

v.

SAP AG, a German corporation, SAP  
 AMERICA, INC., a Delaware corporation,  
 TOMORROWNOW, INC., a Texas corporation,  
 and DOES 1-50, inclusive,

Defendants.

Case No. 07-CV-1658 MJJ

**DEFENDANT TOMORROWNOW,  
 INC.'S RESPONSE TO PLAINTIFF  
 ORACLE'S SECOND 30(B)(6)  
 NOTICE OF DEPOSITION OF  
 TOMORROWNOW**

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**TOPIC NO. 1:**

Your creation and Use of Customer Environments, including without limitation:

- b. The manner and method by which Customer Local Environments were created, stored, and Used by You;
- c. The identity of all PSFT and JDE Customers for whom You created any type of Customer Local Environment;
- d. The total number of Customer Local Environments created for each identified Customer;

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- 3           1.       The process by which Customer Local Environments were Used as part of
- 4                   the ordinary course of business for SAP TN, including without limitation to
- 5                   on-boarding of new Customers; support of Customer cases, issues, and
- 6                   problems; reactive and proactive development of bug fixes, updates,
- 7                   patches, explanations, or regulatory changes for Customers; research into
- 8                   and design of those changes; troubleshooting for Customers; and testing of
- 9                   other operating system levels;
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24           **RESPONSE TO TOPIC NO. 1(b):**

25           TomorrowNow objects that this Topic is vague and that it is unduly burdensome and

26           overbroad with respect to the term "Used." Subject to and without waiving the General

27           Objections, TomorrowNow agrees to produce Mark Kreutz, John Baugh and Shelley Nelson as

28           witnesses on Topic 1(b).

**RESPONSE TO TOPIC NO. 1(c):**

Subject to and without waiving the General Objections, TomorrowNow agrees to produce Mark Kreutz and John Baugh as witnesses on Topic 1(c).

**RESPONSE TO TOPIC NO. 1(d):**

Subject to and without waiving the General Objections, TomorrowNow agrees to produce Mark Kreutz and John Baugh as witnesses on Topic 1(d).

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**RESPONSE TO TOPIC NO. 1(I):**

TomorrowNow objects that this Topic is overbroad and unduly burdensome. Subject to and without waiving the General Objections, TomorrowNow agrees to produce Mark Kreutz, John Baugh and Shelley Nelson as witnesses on Topic 1(I).

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Dated: January 22, 2008

JONES DAY

By: Greg Lanier \* signed with permission JL  
Tharan Gregory Lanier

Counsel for Defendants  
SAP AG, SAP AMERICA, INC., and  
TOMORROWNOW, INC.

**PROOF OF SERVICE**

I, Jacqueline Lew, declare:

I am a citizen of the United States and employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1755 Embarcadero Road, Palo Alto, California 94303. On January 22, 2008, I served a copy of the attached document(s):

**DEFENDANT TOMORROWNOW, INC.'S RESPONSE TO PLAINTIFF  
ORACLE'S SECOND 30(B)(6) NOTICE OF DEPOSITION OF  
TOMORROWNOW**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Christopher B. Hockett  
Geoffrey M. Howard  
Zachary J. Alinder  
Bree Hahn  
BINGHAM McCUTCHEN LLP  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
*chris.hockett@bingham.com*  
*geoff.howard@bingham.com*  
*zachary.alinder@bingham.com*  
*bree.hahn@bingham.com*

Executed on January 22, 2008, at Palo Alto, California.

By: \_\_\_\_\_

  
Jacqueline Lew